

CHAPTER 23 - Route Adoptions

Table of Contents

CHAPTER 23 - Route Adoptions.....	23-3
ARTICLE 1 - General.....	23-3
Legislative Statutes.....	23-3
CTC Policy on Adoptions.....	23-3
Need for Route Adoptions.....	23-3
Criteria for New Alignment.....	23-3
FIGURE 1 - (example of new alignment).....	23-4
CTC Action.....	23-4
Route Adoption Map.....	23-4
Route Adoption Process.....	23-4
Deviations from the Adoption Map.....	23-5
Engineering Reasons for Deviations.....	23-5
Deviations in Rural Settings.....	23-5
Deviations in Urban Settings.....	23-5
ARTICLE 2 - Freeways.....	23-6
Freeway Definition.....	23-6
Controversial Projects Need Public Hearings.....	23-6
ARTICLE 3 - Controlled Access Highways.....	23-6
Denomination to Controlled Access Highway.....	23-6
Guidelines for Denomination.....	23-7
ARTICLE 4 - Conventional Highways.....	23-7
Access Rights.....	23-7
Local Agency Concurrence.....	23-8
ARTICLE 5 - Traversable Highway, Transfer of Highway Location.....	23-8
Adoption as Traversable Highway.....	23-8
Transfer of Highway Location.....	23-9
ARTICLE 6 - Temporary Connections.....	23-12
Temporary Adoptions Require CTC Action.....	23-12
State Responsibility.....	23-12
Temporary Connections on New Alignment.....	23-12
ARTICLE 7 - Route Redesignation.....	23-12
General Redesignation Discussion and Examples.....	23-12
FIGURE 2 - (example of a route redesignation).....	23-13
FIGURE 3 - (example of a route redesignation).....	23-13
Procedures for Redesignation.....	23-13
ARTICLE 8 - Modification to Adopted Route Locations.....	23-14
General.....	23-14
Formal Reopening Process.....	23-14
Need Resolution from Local Agency.....	23-14
Feasibility Studies to DLPP/CTC.....	23-15
Informal Reopening Process.....	23-15
ARTICLE 9 - State Route Rescission Process.....	23-15
General.....	23-15
Rescission Criteria.....	23-15
Review with Local Agencies.....	23-16
Initiation of Rescission.....	23-16

Rescission Procedures.....	23-16
Conditional Retention of Adoption.....	23-18
FIGURE 4 - CTC Freeway Route Rescission Process.....	23-20
ARTICLE 10 - Deletion from Freeway and Expressway (F&E) System.....	23-21
Results of Legislative Deletion.....	23-21
State Still Shares Route Responsibility.....	23-21
Case-by-Case Basis.....	23-21
Division Responsibilities.....	23-21

CHAPTER 23 - Route Adoptions

ARTICLE 1 - General

Legislative Statutes

The Legislature establishes the framework for the State Highway System by describing each route in the Statutes (Streets and Highways Code). This description establishes the termini of the route and, in some cases, intermediate control points. Selection of the location of each of the routes has been delegated to the CTC. The specific location, however, must conform to the route description in the Statutes. (Section 75 of the Streets and Highways Code empowers the CTC to "Select, adopt, and determine the location of State highways on routes authorized by law".)

CTC Policy on Adoptions

Route adoption usually will occur at a regularly scheduled CTC meeting following approval of the environmental document. In these instances, there normally is a consensus of the community as to route location, and the adoption usually follows a routine process. CTC route adoption action with accompanying CEQA environmental documentation is taken prior to submittal to the FHWA for compliance with NEPA and project approval. Where there are no alternatives, these actions can be concurrent.

Need for Route Adoptions

Route adoptions are needed for:

- A new alignment for an existing route.
- Establishment of a location for an unconstructed route.
- Conversion of a conventional highway to a freeway or a controlled access highway.
- Designating a traversable highway.
- Temporary connections.

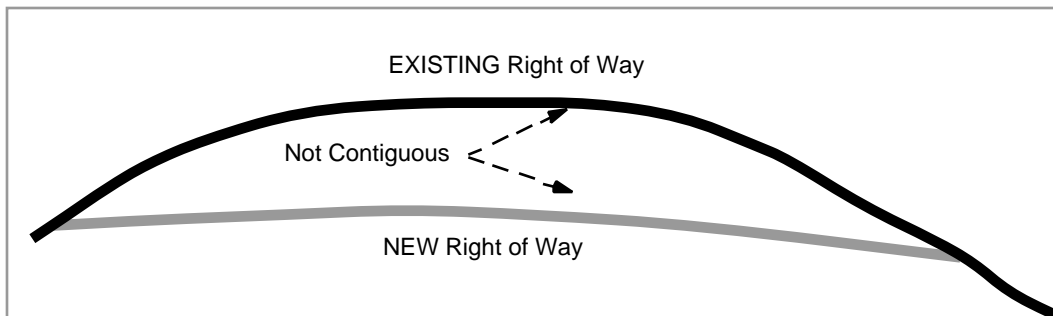
Criteria for New Alignment

An alignment is considered new when additional right of way is required that is not substantially contiguous with the existing highway right of way. (See Figure 1). "Substantially contiguous" cannot be precisely defined because of varying conditions attendant to each particular site. There is more latitude for deviation to make engineering safety improvements in a rural undeveloped situation affecting

only one or few property owners who agree with the proposed plan. There is little latitude for deviation in urban or developed situations and in cases where there would be substantial environmental impacts. An alignment is also considered new under the following conditions:

- There is no route adoption map for the existing segment of highway.
- The existing highway to be replaced is to be relinquished to the local agency.

FIGURE 1 - (example of new alignment)



CTC Action

The action of the CTC in adopting a route location consists of certifying a map reproducible showing the plan location of the route by a single heavy line and passing a written resolution describing the adoption.

Route Adoption Map

The route adoption map is basically the same for conventional highways, freeways and controlled access highways except for title block data. The adoption resolution for a freeway or controlled access highway will contain additional clauses declaring the route a freeway or controlled access highway and designating it a part of the Freeway and Expressway System, if applicable.

Route Adoption Process

The route adoption map polyester reproducible and four prints are forwarded to Design and Local Programs Program (DLPP), Attention: Route Adoption, with the district-approved Project Report (PR) (See Chapter 12, Sections 3 and 5, for more information on the PR). The importance of correctly delineating the general alignment of the highway location on route adoption maps cannot be overemphasized. The map must be in conformance with the display map presented at the public hearing.

DLPP prepares the necessary CTC resolution and the route adoption documents for CTC action.

Upon CTC adoption, a reproducible of the route adoption map and certified copies of the resolution are forwarded to the district by DLPP. The district sends a certified copy of the resolution together with a print of the map to each city and county involved. No additional action or distribution is required.

After adoption, reproducibles of route adoption maps are not to be altered in any manner unless the signatures and certifications are removed first.

Deviations from the Adoption Map

Minor deviations from the alignment location shown on the Route Adoption Map are allowable only for engineering reasons, with the concurrence of the PD Coordinator. Documentation for the project file must be prepared for any such engineering modification. Legal opinions have concluded that modifications to settle controversies, conform to revised general plans, meet political requirements, etc., are not modifications for engineering reasons. A copy of the documentation for the engineering modification should be sent to DLPP, Attention: Route Adoption, including reasons for the change and the PD Coordinator's concurrence.

Major deviations from or modifications to adopted route locations would require reopening of route studies and a new adoption. (See Article 8.)

Engineering Reasons for Deviations

Examples considered to qualify as "engineering" reasons are: shifts to avoid slide or unstable areas; curve corrections for safety reasons; modifications to reduce earthwork, structure, or drainage costs; shifts to avoid or minimize impacts on archaeological sites or wildlife nesting areas; etc. The degree of latitude in making minor modifications will vary depending on the circumstances.

Deviations in Rural Settings

In rural undeveloped terrain, an engineering modification may deviate from the "adopted" line by as much as 300 m or so, provided the impact on affected property owners is not significantly different. This also assumes that any adverse environmental impacts of the highway will not be substantially increased. A shift that affects a property owner not previously involved on the adopted route would not be allowable unless the written concurrence of the property owner is obtained.

Deviations in Urban Settings

In urban areas, the latitude for modifications is considerably more restrictive. Even small shifts can affect new property owners physically or have different impacts such as increasing noise. Generally, little deviation from what was shown at the public hearing is allowable from a design standpoint. The generally small scale of the adoption map in itself may cover several design variations. Thus, recycling of the public hearing and ED may be required from a design standpoint but not from a new route adoption standpoint.

ARTICLE 2 - Freeways

Freeway Definition

Section 100.3 of the Streets and Highways Code provides for establishment of freeway route locations by the CTC. Section 23.5 defines a freeway as a highway in respect to which the owners of abutting lands have no right or easement of access to or from their abutting lands or in respect to which such owners have only limited or restricted right or easement of access. As previously noted, a route is adopted as "A Freeway" by the map title block and by a "freeway declaration" clause in the resolution. If an existing adopted conventional highway is proposed to be converted to a freeway on the same basic alignment, the Project Development (PD) Category 1 process must be followed throughout in obtaining a Freeway Declaration or a freeway Route Adoption.

Controversial Projects Need Public Hearings

Where there is controversy over the route location, Caltrans may request the CTC to hold a public hearing. Depending upon the issues and extent of the public controversy, the hearing might be held as part of a regularly scheduled CTC meeting or as a special hearing in the community. The CTC hearing would be held after the Caltrans hearing called for in PD Category 1 projects but before finalizing the environmental document.

At the conclusion of the hearing, the CTC would give Caltrans direction for the preferred alternative as the basis for finalizing the environmental document and subsequent submittal to the CTC for formal route adoption action. Since the Caltrans hearing called for under the PD Category 1 process is not mandatory, the requirement for public involvement may be satisfied by a Notice of Opportunity.

ARTICLE 3 - Controlled Access Highways

Denomination to Controlled Access Highway

Section 23.5 of the Streets and Highways Code also states that if in the judgment of the CTC or the Caltrans director, the public interest would be advanced thereby, a freeway as defined herein may be denominated a "controlled access highway". In all other respects said "controlled access highway" shall be subject to all provisions of this code pertaining to freeways. A route may be adopted as a "controlled access highway" by substituting this nomenclature for "freeway" in the route adoption map title block and in the resolution.

The discussion of CTC roles in Article 2 also applies to controlled access highway where the issues are comparable. The degree of involvement of the CTC is to be discussed between the district and DLPP.

Guidelines for Denomination

Since the public generally associates the term "freeway" with multilane construction and interchanges, designation as a "controlled access highway" should be used for lesser-scale expressway development not anticipated for conversion to full freeway during the 20-year design period.

In particularly sensitive areas, it may be desirable to designate certain highways as controlled access highways. These are special cases and should be brought to the attention of the CTC.

The district's recommendation to designate a "controlled access highway", rather than a "freeway", should be included in the PR with a full explanation of the decision.

At public hearings where the alternative designation is proposed for the route in question, it should be made clear that all provisions pertaining to freeways also apply to "controlled access highways". Such a route would be adopted by the CTC as a "controlled access highway" and a "controlled access highway agreement" would be executed rather than a freeway agreement.

Where it is desirable to use the term "controlled access highway" for a route initially adopted as a freeway, the district should submit to DLPP, Attention: Denomination, an appropriate request and supporting data for denomination as a "controlled access highway". DLPP handles the denomination and will forward the approval to the district. Subsequent to denomination, a superseding Controlled Access Highway Agreement should be executed. See Chapter 24.

If it is decided to revert to the freeway declaration at a later date, the Director of Caltrans can withdraw the denomination of the freeway as a "controlled access highway". The DLPP Program Manager has the delegated authority of "denomination", "withdrawal of denomination" and other decisions affecting route adoptions.

ARTICLE 4 - Conventional Highways

Access Rights

A conventional highway is a route on which the CTC has not made a "freeway" or "controlled access highway" declaration. Private access rights are generally not acquired.

The Article 2 discussion of the CTC role in route adoption or in controversies applies to conventional highways where issues are comparable. The degree of CTC involvement is usually determined through discussion between the district and DLPP.

Local Agency Concurrence

A conventional highway route adoption is typically a relatively minor revision to improve safety or operational conditions. Nevertheless, it is still necessary to seek the concurrence of any involved local agency in the proposed route adoption. This concurrence must include their agreement to accept relinquishment of any superseded segments needed for continued public access to properties.

ARTICLE 5 - Traversable Highway, Transfer of Highway Location

Adoption as Traversable Highway

If the Legislature adds a new route to the State Highway System that coincides with an existing local road, and if that route meets certain requirements as specified in Streets and Highways Code Section 81, Traversable Highways, the CTC will adopt the local road as the State highway.

Transportation System Information Program Annual Report & Responsibility

The Transportation System Information Program (TSIP) is responsible for canvassing the districts annually and maintaining a file on the status of the traversable highways. TSIP should be contacted to get advice on procedures for the adoption of a traversable route, preparation of the report covering the proposal, and Caltrans assumption of maintenance. Since adoption of a traversable highway has effects on Caltrans resources, the Maintenance and Traffic Operations Programs and DLPP must be involved in the action. The facility is brought up to State highway standards before assumption of maintenance is considered.

Report to Transportation System Information Program

The Transportation System Information Program should be contacted for guidance on the report content. The report should describe the condition of the facility and any work necessary to bring the condition up to standards that reasonably satisfy State highway traffic requirements. The report usually includes the following information:

- Description of Highway
- Map
- Geometric features-log by odometer listing the geometric cross-section, vertical and horizontal alignment, pavement type, structural section (if known), structural condition, intersections, present traffic volumes, and an estimate of future traffic volumes
- Representative photos showing the condition of road

- Right of way status: fee, easement, or prescriptive rights; fenced or open range; monumentation, if any; available mapping
- Planned local agency repair work
- Estimated expected annual State maintenance (PY & dollars)
- Impact of assumption of maintenance on district maintenance
- Discuss any anticipated rehabilitation (next 5 year period)
- Recommendation on appropriateness of State assumption of the facility as a State highway
- Copy of Route Adoption map reproducible to be submitted to DLPP

The existing State highway facility and the conditions along it should also be summarized. Advantages and disadvantages to State highway traffic on the relocation facility should be analyzed.

Following joint concurrence and recommendation by the Transportation System Information, Programming and Traffic Operations Programs, and approval of the concept by the Chief Deputy Director, DLPP prepares the resolution and recommendation to the CTC for the route adoption.

Traversable Highway Adoption Documents

The adoption documents for traversable routes are the same as for conventional highways (Report and Recommendation to CTC prepared by DLPP, route adoption map and CTC route adoption Resolution). However, there are no requirements for hearings or EDs; nor does this process fall under one of the seven project categories. This is because no improvement work is involved nor is any change expected in traffic usage. The adoption action essentially transfers maintenance responsibility from the local agency to the State.

Transfer of Highway Location

Occasionally a local agency will desire that an existing conventional State highway be moved to a parallel local street or road. A reason may be that a shopping mall is proposed on the existing route and rerouting of State highway traffic is necessary to accomplish this objective. The local agency is responsible for providing a substitute facility in a state of good repair capable of accommodating the State highway traffic added by reason of the change. Although the State will not be involved in any improvements on the local street to be adopted, a public hearing and an ED is necessary in most cases. This is because the changed pattern of traffic could place more vehicles through residential areas or close to schools or other sensitive land uses. The local agency requesting the change in highway location is responsible for complying with hearing and environmental requirements.

Caltrans will consider a local agency request for transfer of a State highway location from one existing facility to a parallel or nearby facility when the substitute facility

(1) provides an acceptable level of service without undue circuitry of travel, (2) does not require restoration by the State, (3) is environmentally acceptable, and (4) meets Caltrans design standards. Exceptions will be considered if the substitute facility equates to or exceeds the standards of the existing State facility.

The districts should use the following general guidelines when a local agency requests transfer of a highway location from one existing facility to another:

Joint Field Review

Notify DLPP, Attention: Highway Location Transfer, in writing as soon as possible after receiving the request and initiate a joint review with the appropriate Headquarters units to assess the potential suitability of the substitute facility to accommodate State highway traffic. The criteria for suitability should include the determination that no restoration work is necessary, that the local facility has no circuitry of travel, that its standards will reasonably satisfy State highway traffic requirements, that the statutory definitions for State highways are satisfied, and that there is no need for capital outlay.

Transfer Requirements

Considering the results of the above review, discuss with the local agency the steps and general procedures to be followed with particular emphasis on the following:

- Caltrans will not make any physical adjustments to the existing State highway facility to accommodate local agency standards, signing or striping. If Caltrans considers the facility inadequate and has included improvements in an approved programming document, Caltrans will pursue completion of the planned improvements until the facility is relinquished to the local agency.
- The local agency is responsible for providing the substitute facility in a state of good repair adequate to accommodate State highway traffic. Caltrans will usually not be involved in any improvements of the local facility to be adopted.
- A public hearing and ED may be required because the changed pattern of traffic could expose residential areas, schools, or other sensitive land uses to increased traffic. The local agency requesting the change in highway location will be responsible for and will bear all costs in complying with any necessary hearing and environmental requirements.
- Relinquishment of the existing State highway facility to the local agency and State assumption of maintenance of the substitute facility must occur simultaneously.

Transfer Report

Develop and submit to DLPP, Attention, Highway Location Transfer: three copies of a report discussing the suitability of the local facility for CTC adoption and State maintenance, a polyester reproducible of the Route Adoption map, and four prints of the map. The report should describe the condition of the facility and any work necessary to bring its condition up to standards that reasonably satisfy State

highway traffic requirements. As a minimum, the report should include information listed under Traversable Highways, Report to Transportation System Information Program, in this Article.

The existing State highway facility and the conditions along it should also be summarized. The advantages and disadvantages of the proposed relocation to State highway traffic should be analyzed. A discussion of any environmental and public hearing processes the local agency has conducted or proposes to undertake should also be included.

Deficiency Corrections by Local Agency

If the local facility has deficiencies that preclude State maintenance, the district should notify the local agency of the deficiencies that must be corrected. If the deficiencies are minor and the local agency agrees to correct them within a reasonable time, the district should obtain a commitment resolution by the local agency, including an approximate date of completion.

Upon receipt of this resolution and completion of the environmental and hearing processes, Caltrans will process adoption of the route as described below. State maintenance of the local facility cannot be recommended, however, until the corrective action has been completed.

Local Agency Resolution

If the local facility satisfies the definition of a State highway and is suitable for State maintenance, the district should obtain a resolution from the local agency requesting the change and agreeing to accept the existing State highway. The resolution should also agree to waive the 90-day waiting period in connection with the relinquishment so that the adoption and relinquishment can be processed simultaneously. In line with normal practice, the local agency must complete the public hearing and environmental processes prior to adopting the resolution.

Recommendation to CTC

Following completion of the public hearing and environmental processes and receipt of the local agency's resolution, DLPP will prepare a resolution and recommendation to the CTC. This recommendation will state the effective date for the transfer of responsibilities.

Final Transfer Actions

When the local facility is adopted by the CTC, DLPP will notify the district and will forward a certified copy of the resolution and a reproducible of the signed route adoption map. The district should then notify the local agency. The filing of a certified copy of the resolution or CTC order with the local authority is sufficient notice of CTC action.

ARTICLE 6 - Temporary Connections

Temporary Adoptions Require CTC Action

Temporary adoption of a local road system as a traversable State route is a CTC action. For example, CTC adoption is used where one unit of freeway construction has been completed and through-traffic is routed over the new roadway while the next unit is being constructed, and use of local roads is necessary to connect the freeway with the old State highway. See Index 106.2(2) of the *Highway Design Manual*.

State Responsibility

The adoption is on a conventional highway basis. This action transfers maintenance and liability jurisdiction to the State until formally relinquished. Hearing and environmental requirements may have been met as part of the overall freeway development process. If not, an environmental study should be made to determine the impacts of placing State highway traffic on the local streets. At a minimum, assuming there are no environmental impacts, the concurrence of the local agency must be obtained prior to presentation to the CTC for route adoption.

Temporary Connections on New Alignment

It may be necessary to construct a temporary connection on new alignment pending completion of the next freeway unit. If this was not covered in the overall freeway public hearing and environmental process, the applicable portions of PD Category 2 process must be followed. Since these are time consuming, it is important that this need be recognized early, and preferably be covered in the overall project procedures.

ARTICLE 7 - Route Redesignation

General Redesignation Discussion and Examples

Route redesignation occurs when an existing route is changed to a new route number. Figure 2 shows an example of a route redesignation.

In Figure 2 the existing Route A provided continuity for a second route, Route B. On its relocation, existing Route A would be relinquished, thus leaving a gap in Route B. The segment of existing Route A that is needed for continuity would be redesignated Route B.

FIGURE 2 - (example of a route redesignation)

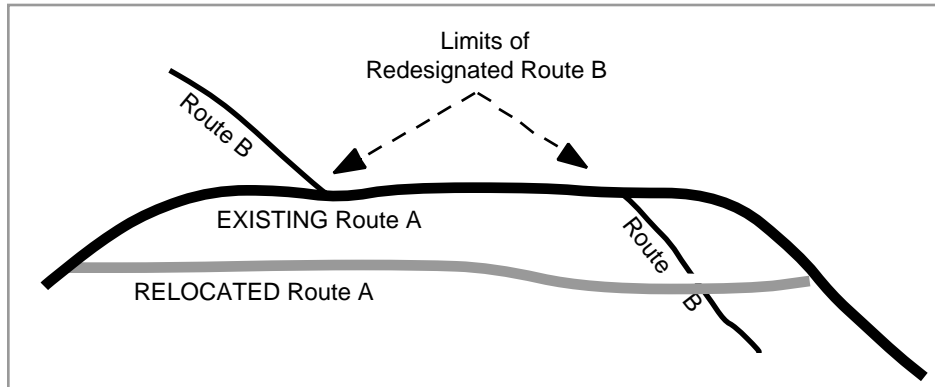
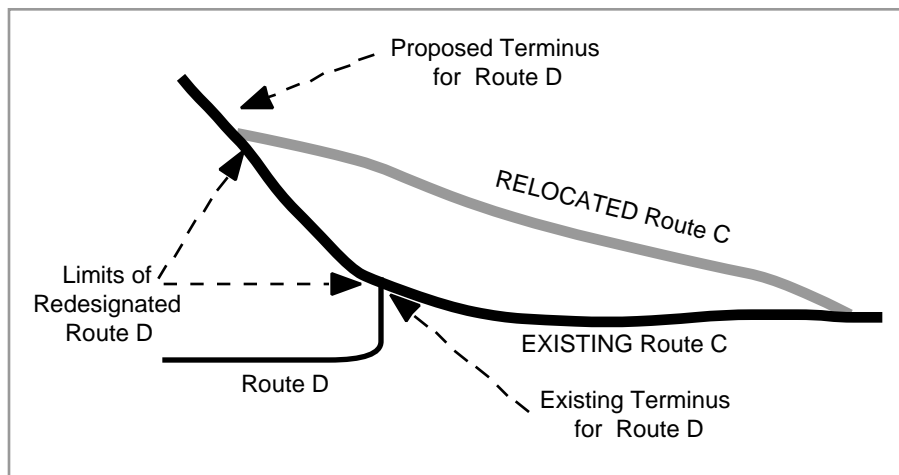


Figure 3 shows another application for a route redesignation. When Route C is relocated and the Legislative description of Route D calls for Route C as its terminus, a portion of existing Route C is redesignated as Route D to fulfill the Legislative description.

These examples may need for some legislative action to be taken to clean up the legislative route description. If so, TSIP should be notified to initiate the change.

FIGURE 3 - (example of a route redesignation)



Procedures for Redesignation

The district prepares a reproducible map (see *Drafting and Plans Manual*) and submits it with four prints to DLPP, Attention: Redesignation, with the pertinent route information. DLPP will process the request through to the CTC. The redesignation is presented to the CTC at the time of completion of construction of the relocated facility.

ARTICLE 8 - Modification to Adopted Route Locations

General

The route location of an adopted but unconstructed freeway route may be modified by a formal reopening of route studies, which voids the prior adoption, or by new studies that are conducted with the adoption still in place. In the latter case, alternatives would be evaluated, but the CTC could choose to reaffirm the adopted routing.

New route studies can be requested by a local agency for local planning reasons or be initiated by Caltrans for engineering reasons (i.e., stability problems, costs, etc.).

Although the procedures discussed herein for alternative route studies were developed to consider changes to unconstructed freeway locations, any changes proposed for major conventional highway adoptions on a new alignment should also follow these processes.

"Reopening Route Studies" is a formal CTC action. The request for such action can be to consider a specific alternative or to consider all alternatives to the adopted location. Although a suggested alternative is not mandatory, the request should demonstrate that there are feasible alternatives. It is the policy, in cases where the reconsideration is requested by a local agency, that all other affected governing bodies concur in the request to reopen studies (including adjacent local agencies receiving secondary effects).

Formal Reopening Process

The action of the CTC in formally reopening route studies, in effect, "wipes the slate clean". Routing studies are reinitiated following all steps in the process for PD Category 1 projects. The prior adoption no longer has any force or effect.

Because formal reopening of studies returns the project to "Stage Zero", this step should not be undertaken unless there is assurance there is a feasible alternative to the adopted routing. When there is uncertainty, a preliminary feasibility study should first be made.

Need Resolution from Local Agency

A request from a local agency for reopening of route studies is usually sent to the Caltrans district in the form of a resolution addressed to the CTC. The resolution should describe the reasons for the request, accompanied by maps, as appropriate. The request is forwarded to DLPP, Attention: Reopen Route Studies, by the district, together with a summary of project planning and an analysis of the proposal.

If a route change is proposed by the district for engineering reasons, a similar request with supporting data is submitted to DLPP, Attention: Reopen Route Studies.

Feasibility Studies to DLPP/CTC

Where a preliminary feasibility study is undertaken, the district must submit a report and recommendation to DLPP, Attention: Reopen Route Studies. In turn, DLPP will submit a report of the study to the CTC, together with a recommendation whether or not the route location matter should be formally reopened. If reopening of studies is denied, the local agencies involved and other interested parties are advised in writing of the CTC's decision by the District Director.

Informal Reopening Process

It is preferable to conduct additional route studies with the existing adoption still in place. A Supplemental Draft Project Report/Draft Environmental Document is prepared, the public hearing process is accomplished and environmental documentation is completed prior to requesting the CTC adoption of the revised location. This assumes a consensus on the new preferred alternative; otherwise the CTC would be also involved earlier as previously discussed in Article 2.

Where it is desirable to informally reopen studies, the Program Manager, DLPP, Attention: Reopen Route Studies, should be notified in writing, and a request should be made for concurrence in the study process.

ARTICLE 9 - State Route Rescission Process

General

When adopted freeway routes having little potential for construction have been identified for possible rescission, a process is initiated in accordance with CTC policy. One rationale for a route rescission is that retention of an adopted route could subject the CTC to continued expense for acquisition of properties on a hardship basis. Continued existence of the adoption may also create uncertainties in local planning.

If the adoption were rescinded, funds realized from the sale of previously acquired hardship and protection parcels could be utilized for current State transportation needs. There may also be other reasons to initiate the rescission process.

Rescission Criteria

The following factors should be considered when deciding if a freeway route adoption should be retained or rescinded:

- Is the adopted location still valid?
- Is the adopted location locally accepted? Is it in conformance with the most recent local and regional plans?
- Is the route segment needed for system continuity to join adjacent completed or programmed segments? How would functional classification of the overall route be affected?

- Could an interim or alternative non freeway improvement to the existing facility or on the adopted line provide a satisfactory level of traffic service for the reasonable future? Would any or all of the rights of way acquired to date be utilized in such a project?
- What has been the cost and extent of past right of way acquisition? What are the expected pressures for future hardship and protection acquisition?
- Is there future potential for the continued existence of freeway adoption to retard community development or adversely affect property owners' ability to utilize or dispose of their investment?
- What would the economic impact of disposal of right of way be for the community and the State versus continued State ownership?
- Are there any local or regional planning studies under way, the results of which could have a bearing on existing route adoptions or concepts?

Review with Local Agencies

Unconstructed adopted freeway routes are candidates for rescission and should be periodically reviewed by the district and local agencies to determine if it is appropriate to rescind the adopted route and to dispose of any acquired rights of way. If rescission appears appropriate, the review is summarized by the district in a Route Inventory Report, using the format shown in Appendix II.

Initiation of Rescission

DLPP will summarize the route inventory on each candidate in a report to the CTC, together with a recommendation to either retain the route adoption or to consider the route for rescinding and disposing of acquired rights of way.

The report will recommend that the CTC adopt a "Notice of Intent to Consider Rescinding" resolution. Current rescission procedures were adopted by CTC Resolution G-15, found in Appendix II. The overall rescission process in Resolution G-15 is described in the following text.

Rescission Procedures

In essence, local, regional, and State agencies and the general public are notified of the CTC's intent to rescind and their comments are solicited. Following this, the CTC is presented with a report on the comments, together with a recommendation to proceed or forego the rescission. The CTC, at its own option, may schedule a public hearing before deciding on a final course of action.

The process is illustrated in Figure 4. Steps for implementing a rescission follow:

- District informally reviews the appropriateness of the adoption with local and regional staffs and adoption is determined inappropriate.

- District prepares and submits route inventory report to DLPP Program Manager, Attention: Rescission (3 copies).
- DLPP coordinates Headquarters' review of the report.
- If it is decided to proceed, DLPP prepares Caltrans' report and recommendation to CTC.
- The CTC acts on Caltrans' recommendation.
- If the CTC adopts a "Notice of Intention to Consider Rescinding" Resolution, DLPP will inform the district to notify all affected local and regional agencies of the rescission proposal and ask the agencies for any additional pertinent information that might be helpful to the CTC in making a final decision. The notification should request comments, if any, to be submitted within 60 days.
 - Local agencies should be furnished copies of Caltrans' report and the CTC Resolution of Intention.

The following additional language should be incorporated into the notification letters when rights of way have been acquired and are proposed for disposal:

Should the route adoption ultimately be rescinded by action of the Commission, we will commence the disposal of the properties shaded in red on the enclosed maps in accordance with the provisions of Government Code Sections 54220 through 54226 and 54235 through 54238.6 and Streets and Highways Code Section 118.6. Pursuant to these code provisions, whatever portions of these properties that are not needed for exchange, sale back to former owners in occupancy, sales to qualified tenants, or sales to adjoining owners, will be available for sale.

Please notify us within 60 days if your agency would be interested in purchasing any of these properties for public purposes.

- It is essential that agencies involved in planning and development of transit be included in the disposal notification.
- A notice of the intent to consider rescission is to be published in newspapers following the procedures used for public hearing notices. The notice is to include a map, a brief description of the proposal, and a closing date for written comments to be submitted to the District Director (closing date should coincide with the public agency period).

- DLPP will notify the State Clearinghouse (in Office of Planning and Research) of the proposal so that State agencies can be notified.
 - Upon expiration of the comment period, the district submits a memorandum to the DLPP Program Manager, Attention: Rescission, summarizing the comments and containing recommendations for proceeding with the process. Copies of the notifications and published notices should be attached to the memorandum. Copies should be attached of correspondence received from governmental agencies, organizations, and individuals.
 - If rescission is appropriate, but the local agency desires to retain the freeway adoption, a major commitment by the local agency to participate financially in right of way and/or construction would normally be a minimum requirement. Other positive planning actions by the local agencies would also be necessary.
 - A determination whether disposal of any acquired rights of way is categorically exempt or requires an ED will be made on an individual parcel basis after CTC action rescinding the adoption makes the property surplus.
- DLPP prepares Caltrans' recommendation for final CTC action.
 - The CTC could, at its option, schedule a formal hearing prior to taking final action. This hearing would be held after the comment period. It could be held either before or after the Department follow-up recommendation.
 - CTC decides to (1) retain freeway adoption and protect right of way, (2) rescind route adoption and freeway declaration and authorize disposal of right of way, (3) as a CTC-approved special circumstance, rescind the freeway declaration (and any denomination as a "controlled access highway") and retain the route adoption location as a conventional highway for improvement, operation, and maintenance purposes, or (4) pursue any CTC-approved special circumstances relating to recycling an adopted freeway location.
 - District disposes of right of way.

Conditional Retention of Adoption

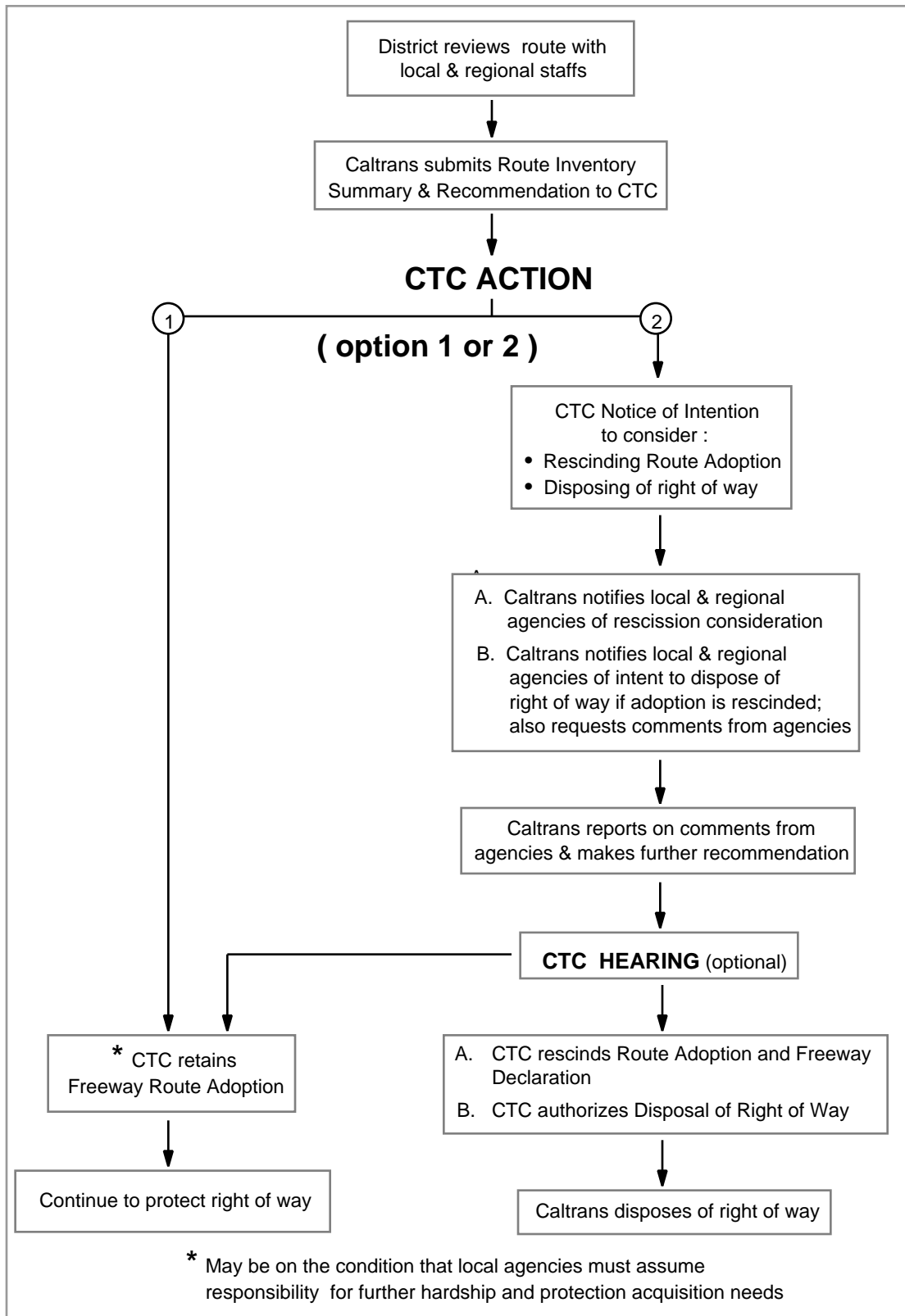
The initial report to the CTC on a route segment usually contains the recommendation to initiate recycling procedures. Resolution G-15 provides the option to conditionally retain the adoption subject to the local agencies involved entering into a cooperative agreement or memorandum of understanding to assume responsibility for further hardship and protection acquisitions. A conditional retention would usually develop as a response to a

'Notice of Intention to Consider Rescinding' resolution.

Resolution G-15 outlines the provisions for two options but allows for special circumstances. The concurrence of the CTC will be required in each case of a proposal to deviate from either Option 1 or Option 2.

Local agencies do not have an automatic option to proceed in accordance with Resolution G-15. The CTC must adopt a resolution on each route segment that is subject to the conditional retention provisions of Resolution G-15. It is also acceptable to discuss the cooperative agreement and letter of understanding approach with local agencies during preparation of the original route inventory report.

FIGURE 4 - CTC Freeway Route Rescission Process



ARTICLE 10 - Deletion from Freeway and Expressway (F&E) System

Results of Legislative Deletion

Legislative action deleting a route or portion of a route from the California Freeway and Expressway (F&E) System:

- Causes any existing freeway declarations by the CTC on the route to be a nullity.
- Causes any existing freeway agreements by Caltrans within the limits of the deletion to be a nullity.
- Implies legislative direction that Caltrans shall not consider development of a freeway or expressway in the corridor.

State Still Shares Route Responsibility

If the route segment remains in the State Highway System, the State continues to share the responsibility for meeting the transportation needs in the corridor. However, in view of the limited funds available to the State Highway Program, the route adoption and any previously acquired rights of way should be considered for rescission and disposal unless there are overriding needs for non freeway or other transportation uses.

Case-by-Case Basis

Procedures for each deletion will be handled on a case-by-case basis. DLPP should be consulted regarding candidates for deletion.

Division Responsibilities

Deletions from the Freeway and Expressway System are the responsibility of the Transportation System Information Program. DLPP has the responsibility to prepare a report to the CTC recommending rescission of the freeway adoption. The sale of State-owned resources is the responsibility of the Right of Way Program.